President: Order, order. I have received notices of two adjournment motions. The first is from Mr. P. Balakrishnan Tampi.

"I beg leave to move that the business of the House be adjourned for the purpose of discussing a definite matter of urgent public importance *viz.*, the serious public dissatisfaction at the reported ill-treatment of political prisoners and under-trial prisoners in the Central Jail, and the grave public anxiety caused by the reported hunger-strike resorted to by the prisoners as a protest against the ill-treatment meted out to them."

Mr. Padiyara Joseph Kunju: *(nominated)* സർ, ഈ അടിയന്തിര പ്രമേയം ഇവിടെ അവതരിപ്പിക്കുന്നതിനെ ഞാൻ എതിർക്കുന്നു

President: Has the honourable member the leave of the House? Those in favour of leave being granted will rise in their seats.

(Two honourable members rose in their seats)

Only two members having risen in their seats, the honourable member has not the leave of the House.

The other motion is from Mr. V. S. Arumukham Pillai and it reads thus:

"I beg to move for an adjournment of the business of the Council for the purpose of discussing a definite matter of urgent public importance, namely, the distress caused among the ryots of Nanjinad by the realisation of tax and water cess in respect of lands left fallow for the Kanni crop of 1114 owing to continued drought."

Has the honourable member the leave of the House to move the motion? (*The House signified their assent*) Yes, the honourable member has the leave of the House and the motion will be discussed tomorrow afternoon at the usual time.

BREACH OF PRIVILEGES OF THE LEGISLATURE COMMITTED BY THE 'MALAYALI'.

Mr. Kottur Kunjukrishna Pillai: Sir, before the business of the House is begun, I wish to raise a question of privilege of the House. In the 'Malayali' dated 9th February 1939, there appears a report of a speech made by a retired officer in which he has stated thus;

ഈ അംഗങ്ങളെ അയോഗ്യരാക്കി കഴിഞ്ഞതിനശേഷം ഗവൺമെൻറു പക്ഷക്കാരായ കുറെമരക്കൈകൾ മാത്രമാണ് ഇപ്പോൾ ഇവിടെയുള്ളത്.

Because 19 members have been disqualified the remaining hands in the Legislature are wooden hands. He also states further that

അവിടെ ഈ മെമ്പറന്മാരല്ലാതെ ഇപ്രകാരം മരക്കൈകൾ മാത്രം ഉണ്ടായിരിക്കുന്നത് നന്നല്ല.

In the Legislature without these members who are disqualified it is not good to have these wooden hands alone.

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He also states the reason why he says that it is not good. He states that because there are a large number of important Bills coming up it is not enough to have these wooden hands. The insinuation contained in the use of the word 'wooden' is clear and unambiguous.

Mr. Padiyara Joseph kunju : മെമ്പർ വായിക്കുന്നതു് മലയാളിയുടെ ലീഡിംഗ് ആർട്ടിക്കിൾ ആണോ?

Mr. Kottur Kunjukrishna Pillai : അല്ല. മലയാളിയുടെ റിപ്പോർട്ടാണ്.

Mr. Padiyara Joseph Kunju : ആ ലേഖനകർത്താവു് ആരാണെന്നു പറയാമോ?

Mr. Kootur Kunjukrishna Pillai : It is a report of the 'Malayali.' The paper has to take the responsibility of publishing this insinuation and defamatory statement about the whole legislature and the man who made the speech has not denied nor has he contradicted the report. He is a pensioned officer of the Government and he has abused this House whose privileges are guarded by the statute given by His Highness the Maharaja. I think, Sir, this House and the President of this House, who is the custodian of the rights and privileges and dignities of this House ought to take very serious notice of such action. Sir, the insinuation is all the more great because it comes from one from whom we expect greater responsibility and great rectitude in his conduct.

Mr. Padiyara Joseph Kunju : സർ, എന്റെ ചോദ്യത്തിനു് ഇതുവരെ മറുപടിപറഞ്ഞിട്ടില്ല. ആ ലേഖനകർത്താവു് ആരാണെന്നാണു് എനിക്കു് അറിയാവുന്നതു്.

Mr. Kottur Kunjukrishna Pillai : Sir, I replied that it is not an article.

It is a report of the Malayali.

Mr. Padiyara Joseph Kunju : ആ ലേഖനമെഴുതിയതു് ആരാണു്.

Mr. Kottur Kunjukrishna Pillai : Sir, I am not aware of it. The speech quoted is put in quotation marks and the speech was made by Mr. Changanacherry Parameswaran Pillai who was the President of that protest meeting.

I think we should not allow such conduct to go uncorrected. I think two courses are open: the paper should not be allowed the privileges of reporting in this House. The person who made the speech ought to be dealt with by Government because he gets a pension from Government. He attacks the very privileges and dignities conferred upon this House by His Highness the Maharaja.

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. Kottur Kunjukrishna Pillai].

I Therefore request you, the president of this Council, to take appropriate action which would prevent such conduct in future.

President : The hon'ble member has drawn the attention of the Chair to the report in a newspaper reflecting upon the conduct and character of the members of the Travancore Legislature. I take it that the hon'ble member has placed a copy of the particular issue of the newspaper in the hands of the Secretary ; the hon'ble member may do so now if he has not done so already. (*Mr. Kottur Kunju-Krishna Pillai handed over a copy of the newspaper to the Secretary*). Steps will be taken to verify the report and to ascertain the exact statement that was made.

Now, there are two points which have to be considered and ruled upon by the Chair. The first is whether this publication is a breach of the privileges of this House. As to this, I have very little hesitation in saying that it is a grave contempt of the Ligislature and on the members of the Travancore Legislature, committed by those responsible for the publication. The law on the subject is perfectly clear, and has been explained at page 91 of Parliamentary Practice by Erskine May (13th edition)

> "Libels upon members have been constantly punished. But to constitute breach of privilege they must concern the character or conduct of members in that capacity ; and as is explained on page 267, libel must be based on matters arising out of the transaction of the business of the House."

The matter is explained more fully in the succeeding paragraphs.

Now, if the extract from the speech referred to by the honorable member is analysed, it will be seen that that publication suggests that in the absence of certain members of the Legislature, the other members are of no account and are to be regarded as either inanimate objects or automata ; in other words, it suggests that the members of the Legislature other than the nineteen referred to have no personality or will of their own and are thereby disentitled to be treated as an active portion of the highest deliberate body in the State. To say that is to impute the greatest possible mental and moral defect, and the gravest possible reflection is made thereby upon both the character and conduct of the members of the Legislature. I rule that the publication referred to by the honorable member is a breach of the privileges of the House and constitutes a grave case of contempt of this House.

The matter having been disposed of, the next question which arises for decision is the action to be taken. It is not possible for the House or for the President to take any action in regard to the speaker at the meeting in question ; because he is neither a member of the Legislature nor a person in any way amenable directly and

LIBRARY ARCHIVES Kerala Legislative Assembly

definitely to the jurisdiction of the Legislature under its existing powers. All that can be done is to place on record the opinion of this House leaving it to such constituted authorities as may have jurisdiction in the matter to exercise that jurisdiction, if they are so disposed, and to exercise it effectively. Therefore, in regard to the honourable member's request that this House should directly take notice of the alleged speech at the meeting by dealing with the speaker's pension or otherwise, I must rule that portion out of order, except to the extent that the honorable member is entitled to bring to the notice of the House the contempt that has been committed, and the breach of privilege of the House that has taken place.

The case is very different with regard to the journal in question. This Council and the Sri Mulam Assembly both extent certain courtesies and facilities to the members of journalistic profession; and the uniform rule in such cases is that, if members of journalistic profession misuse the facilities and privileges given to them by being guilty of disrespect to the House or commit any contempt or breach of privilege, those facilities and those conveniences may be withheld. There are other ways in which the displeasure of the House may be expressed. But before doing so, it is the elementary duty of this House to satisfy itself that the journal has been so guilty. Steps will be accordingly taken by the Secretary to call upon the Editor and Manager of the paper concerned to show cause why steps should not be taken against such paper by virtue of and in consequence of the breach of privilege, and contempt committed by that journal and brought to the notice of the House.

Bills assented to by His Highness the Maharaja.

The Secretary to the Council then reported that the following bills had received the assent of His Highness the Maharaja:—

1. The Travancore Public Accounts Regulation Amendment Bill.
2. The Travancore Criminal Law Amendment Bill.
3. The Travancore Hindu Widows Remarriage Bill.
4. The Travancore Trade Dispute Bill.
5. The Travancore Abkari Regulation Amendment Bill.
6. The Travancore Irrigation Regulation Amendment Bill.
7. The Travancore Factories Bill.
8. The Travancore Companies Bill.

PANEL OF CHAIRMEN.

President: Under Rule 3 (1) of the Travancore Legislative Rules, I have nominated Mr. Kottur Kunjukrishna Pillai and Mr. M. Govindan to form the panel of chairmen for the current session of the Council.

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